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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,478	03/31/2004	Mario Stigler	0275M-911/CO	7889
27572	7590	11/29/2007	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			WUJCIAK, ALFRED J	
P.O. BOX 828			ART UNIT	PAPER NUMBER
BLOOMFIELD HILLS, MI 48303			3632	
MAIL DATE		DELIVERY MODE		
11/29/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/814,478	STIGLER, MARIO	
	Examiner	Art Unit	
	Alfred Joseph Wujciak III	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 October 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2,4-12,14,16 and 17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2,4-12,14,16 and 17 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 02 March 2005 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

This is the non-final Office Action for the serial number 10/814,478, RETAINING CLIP WITH OFFSET LATCHING FINGERS, filed on 3/31/04.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2 and 4-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 14-15, “the elbow having a length about the length of the first and second partitions” is indefinite because the drawing in applicant’s invention (figure 2) shows the elbow has smaller length then the first and second partitions length in combination.

Claims 2 and 4-11 are rejected as depending on rejected claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4, 6-7, 10-12, 14, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan Patent # 2002-235872 to Tetsushi.

Tetsushi teaches a retaining clip having a base part with receivers and first and second generally parallel partitions between two receivers. The receiver comprises a front side and a rear side. The clip includes at least one first latching fingers coupled to the first partition at the front side and at least one second latching finger coupled to the second partition at the rear side of the receiver. The first and second latching fingers are smaller than the width of the first and second partitions. The first latching finger is arranged offset relative to the second latching finger. The elbow is disposed between the first and second partitions. The first and second partitions have an opening in the form of a slot.

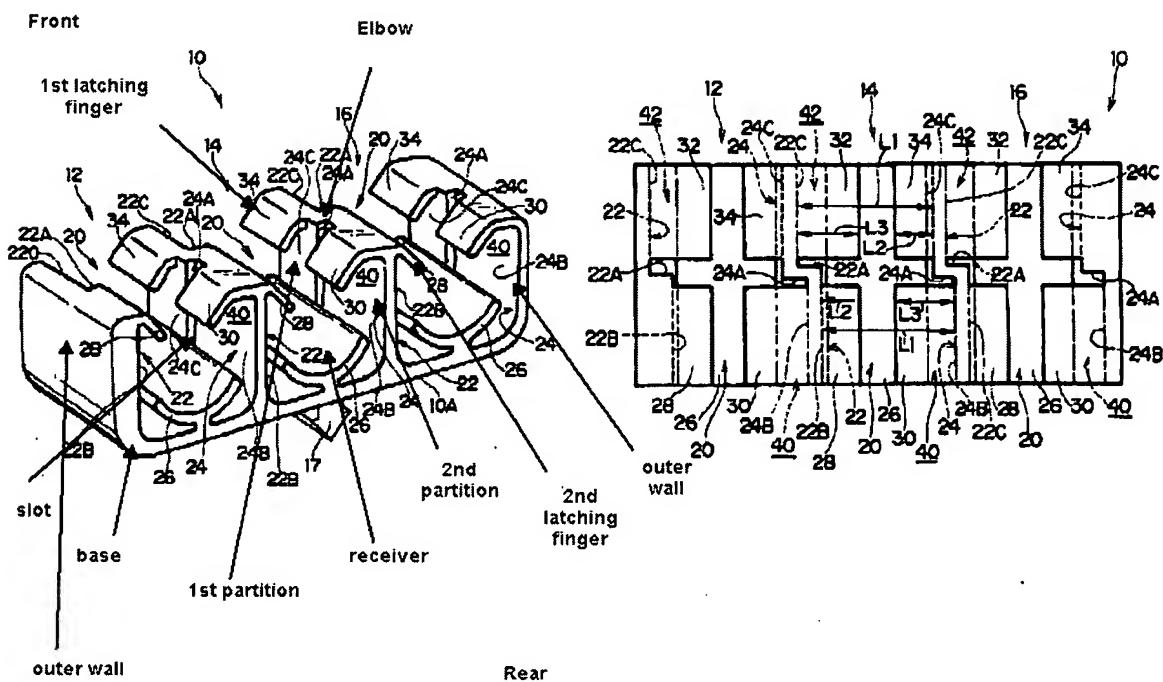
Tetsushi teaches the elbow but fails to teach the elbow having a length about the length of the first and second partitions. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the length of elbow to about the length of the first and second partitions to provide designer's preference for the distance between the first and second latching fingers for retaining object in the receiver.

Tetsushi teaches the first latching finger is arranged laterally offset relative to the second latching finger but fails to teach the distance between the first finger and second finger is 5 to 20% of the width of the partition. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified distance between first latching finger and second latching finger to 5 to 20% of width of partition to prevent the first latching finger from interfering the second latching finger when an object is secured in the receiver.

In regard to claims 6, 11, and 16, Tetsushi teaches the latching finger but fails to teach the ratio of latching finger width is between 1:4 and 1:2 or 2:5. It would have been obvious for one

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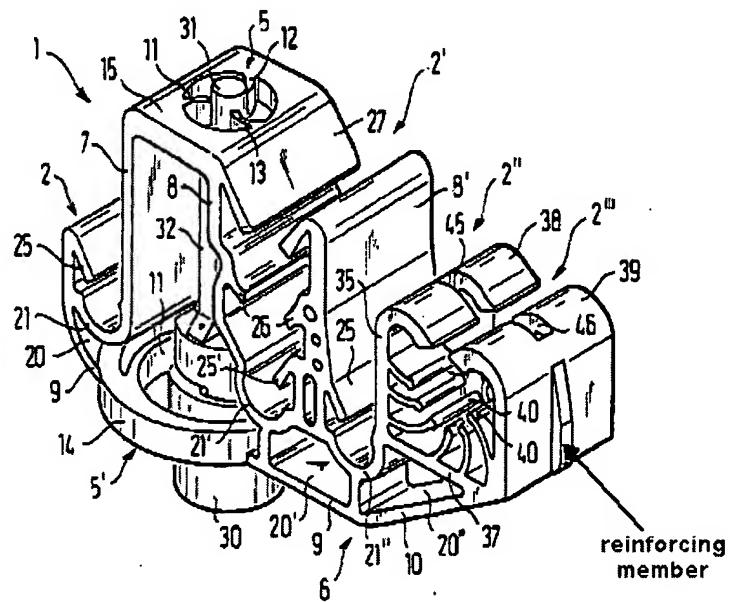
of ordinary skill in the art at the time the invention was made to have modified the ratio of width for the latching finger to between 1:4 and 1:2 or 2:5 to prevent the first latching finger from interfering the second latching finger when an object is secured in the receiver.



latching fingers to Tetsushi's partition to provide additional security for retaining an object within the clip.

In regards to claim 8, Tetsushi teaches the outer walls but fails the walls are reinforced by reinforcing structures. Kraus teaches the outer wall being reinforced by reinforcing structure. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added reinforcing structure to Tetsushi's outer walls as taught by Kraus to prevent the outer walls from collapsing.

FIG. 4



In regards to claim 9, Tetsushi teaches the retaining clip but fails to teach the retaining clip is made of elastic plastic material. Kraus teaches the retaining clip (1) manufactured by plastic material (col. 2, line 32). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Tetsushi material to plastic material as taught

by Kraus to provide flexibility in the retaining clip for convenience in removing an object from the clip without breaking it.

Response to Arguments

Applicant's arguments with respect to claims 1-2, 4-12, 14 and 16-17 have been considered but are moot in view of the new ground(s) of rejection.

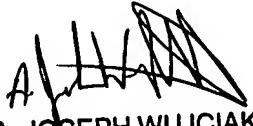
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joey Wujciak whose telephone number is (571) 272-6827 or send e-mail to the examiner at Joey.Wujciak@uspto.gov. The fax machine telephone number for the Technology Center is (571) 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary examiner
A. Joseph Wujciak III
Art Unit 3632

11/21/07


A. JOSEPH WUJCIAK III
PRIMARY EXAMINER
TECHNOLOGY CENTER

Partition

ASW 11/21/07